

BOUNDARIES: ALASKA AND CANADA

Exchange of notes at Washington October 20, 1899

Entered into force October 20, 1899

*Obsolete*¹

I Malloy 777; Treaty Series 146½

The Secretary of State to the British Chargé d'Affaires

DEPARTMENT OF STATE,

Washington, October 20, 1899

SIR: Your note of the 13th instant was duly received, in which you submit to me, under instructions from the Marquis of Salisbury, a modified form of agreement relative to a provisional boundary between the territory of Alaska and the Dominion of Canada in the region about the head of Lynn Canal.

I have given careful consideration to the modifications indicated in your note, and am prepared, on the part of the Government of the United States, to accept the same as a provisional agreement respecting the boundary in the localities stated. In examining the text of the proposed agreement inclosed with your note of the 13th instant, I have, however, noted some verbal changes which it seems desirable should be made and which in no wise affect the terms of the agreement. I therefore submit the following as the text of the agreement to be observed by the two Governments:

"It is hereby agreed between the Governments of the United States and Great Britain that the boundary line between Canada and the Territory of Alaska in the region about the head of Lynn Canal shall be provisionally fixed as follows, without prejudice to the claims of either party in the permanent adjustment of the international boundary:

"In the region of the Dalton Trail, a line beginning at the peak west of Porcupine Creek, marked on the map No. 10 of the United States commission December 31, 1895, and on sheet No. 18 of the British commission December 31, 1895, with the number 6500; thence running to the Klehini (or Klaheela) River in the direction of the peak north of that river, marked 5020 on the aforesaid United States map, and 5025 on the aforesaid British map;

¹ See convention of Jan. 24, 1903 (TS 419), *post*, p. 263.

thence following the high or right bank of the said Klehini River to the junction thereof with the Chilkat River, a mile and a half, more or less, north of Klukwan; provided that persons proceeding to or from Porcupine Creek shall be freely permitted to follow the trail between the said creek and the said junction of the rivers into and across the territory on the Canadian side of the temporary line wherever the trail crosses to such side, and, subject to such reasonable regulations for the protection of the revenue as the Canadian Government may prescribe, to carry with them over such part or parts of the trail between the said points as may lie on the Canadian side of the temporary line such goods and articles as they desire without being required to pay any customs duties on such goods and articles; and from said junction to the summit of the peak east of the Chilkat River, marked on the aforesaid map No. 10 of the United States commission with the number 5410, and on the map No. 17 of the aforesaid British commission with the number 5490.

"On the Dyea and Skagway trails, the summits of the Chilkoot and White passes.

"It is understood, as formerly set forth in communications of the Department of State of the United States, that the citizens or subjects of either power, found by this arrangement within the temporary jurisdiction of the other, shall suffer no diminution of the rights and privileges which they now enjoy.

"The Government of the United States will at once appoint an officer or officers, in conjunction with an officer or officers to be named by the Government of Her Britannic Majesty, to mark the temporary line agreed upon by the erection of posts, stakes, or other appropriate temporary marks."

It shall be understood that the foregoing agreement is binding upon the two Governments from the date of your written acceptance of its terms.

I have, etc.,

JOHN HAY

The British Chargé d'Affaires to the Secretary of State

BRITISH EMBASSY,
Washington, October 20, 1899

SIR: I have the honor to acknowledge the receipt of your note No. 1589 of the 20th instant, submitting the following as the text of the agreement to be observed by the two Governments as a provisional boundary between the Territory of Alaska and the Dominion of Canada in the region about the head of Lynn Canal:

[For text of agreement, see U.S. note, above.]

It shall be understood that the foregoing agreement is binding upon the two Governments from the date of this my written acceptance of its terms.

I have, etc.,

REGINALD TOWER

Map to accompany the Modus Vivendi, concluded October 20, 1899
between the United States and Great Britain, fixing a provisional
boundary line between Canada and the Territory of Alaska, about
the head of Lynn Canal.

Prepared in the Office of the U.S. Coast and Geodetic Survey, Treasury Department.



